THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10482 of 1997

ORAL ORDER:

This writ petition is filed questioning the award of the Labour Court in I.D.No.521 of 1987 dated 9.7.1992 to the extent of not granting back wages to the petitioner, as arbitrary and illegal.

It appears, petitioner was working as Conductor in the Respondent Corporation. On 27.2.1987, while he was conducting the Bus on 27.2.1987 on the route Doulatabad to Vemulavada, the officials of the Respondent-Corporation checked the bus and found certain irregularities and on the basis of the same, a chare memo was issued and on the basis of the same, following charges were framed against the petitioner.

1. For having failed to observe the rule "issue and start';
2. For having failed to collect the fare and issue tickets to a batch or two passengers (one adult and a chargeable girl) found alighting without tickets who boarded the bus at Doulatabad bound for Surampally ex-stages 12 to 11 which constitutes misconduct under Reg.No.29(vi)(a) of APSRTC Employees (Conduct) Regulations 1963.
3. For having failed to close the S.R. against the stage No.11 which constitutes misconduct under Regulation No.28(xxv) of APSRTC Employees (Conduct) Regulations, 1963.

The petitioner submitted his explanation to the said charges. Having not satisfied with the explanation, a detailed enquiry was conducted affording opportunity to the petitioner and was removed from service on 23.6.1987. The petitioner carried the matter in appeal. The appellate authority rejected the appeal on 26.9.1987. Thereafter, he raised a dispute in I.D.No.521 of 1987 before the Labour Court. Though no oral evidence was let in on behalf of both the parties, documents Exs.M1 to M16 were marked on behalf of management. After detailed consideration of the evidence on record, the Labour Court came to the conclusion that though the charges are proved, but in the facts and circumstances of the case, punishment of removal was

found to be disproportionate to that of the misconduct alleged and thus, directed for reinstatement of the petitioner with continuity of service, attendant benefits, but denied back wages. Aggrieved by the same, workman filed the present writ petition.

The learned counsel for petitioner strenuously contended that the Labour Court having found that the misconduct is trivial in its nature, ought to have granted full back wages also.

Whereas, the learned counsel for respondents supported the award passed by the Labour Court and submitted that the Labour Court itself has taken a lenient view of the matter and the petitioner is not entitled for further relief from this Court.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the impugned award and other material made available on record.

The Labour Court purely carried away with the fact that the denomination of tickets were only 0.75 ps. and though the petitioner demanded fare, he failed to take steps of either collecting or making the passengers to get down the Bus, but as the time at his disposal before the check being too short, the matter cannot be viewed too seriously. I am of the opinion that the Labour Court itself, as contended by the learned counsel for respondents, has taken a lenient view of the matter while exercising powers under Section 11-A of the Industrial Disputes Act, 1947. No ground is made out for the purpose of granting any further relief i.e. back wages for the period the petitioner was out of employment. The petitioner was removed from service on 23.6.1987 and his appeal was rejected on 26.9.1987 and the I.D. was disposed of on 9.7.1992. Therefore, I am of the opinion that no further relief can be granted in favour of the petitioner.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU, J

Date: 14.2.2007

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W.P.No.10482 of 1997

14.2.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10482 of 1997

Date: 14th February, 2006

Between:

J.Anjaiah

.. Petitioner

And

Andhra Pradesh State Road
Transport Corporation, represented by
Depot Manager, Siddipet & others.

.. Respondents